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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ROBERT GRUNDSTEIN,
9 Plaintiff,

10 vs.

11 WASHINGTON STATE BAR
12 ASSOCIATION, *et al.*,
13 Defendants.

No. C12-569RSL

ORDER DENYING REQUEST FOR
TEMPORARY RESTRAINING
ORDER WITH NOTICE OR
PRELIMINARY INJUNCTION
WITH EXPEDITED HEARING

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15 This matter comes before the Court on Plaintiff's request for a temporary
16 restraining order with notice or a preliminary injunction with expedited hearing. Dkt. #
17 3; see Dkt. ## 1, 2. Plaintiff asks the Court to enjoin the Washington Supreme Court
18 from taking any action to remove his license to practice as an attorney in Washington.
19 Dkt. # 3. The Court DENIES the motion as premature.

20 In a previous matter, the Court dismissed a nearly identical claim brought by
21 Plaintiff based on the application of the Younger abstention doctrine. Grundstein v.
22 Wash. State Bar Ass'n, No. C11-692RSL, Docket ## 23, 29 (W.D. Wash. Aug. 2011)
23 (relying on Younger v. Harris, 401 U.S. 37, 40–41 (1971)). As the Court stated, "Absent
24 'extraordinary circumstances,' federal courts must abstain from enjoining pending state
25 judicial proceedings if the proceedings implicate important state interests and afford

1 plaintiff an adequate opportunity to litigate his federal claims.” Id. (citing Middlesex
2 County Ethics Comm’n v. Garden State Bar Ass’n, 457 U.S. 423, 432 (1982)). As state
3 proceedings remain ongoing in this matter, the Court does not see why Younger does not
4 continue to require abstention.

5 In any case, aside from the problem of Plaintiff’s “likelihood of success on the
6 merits,” Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008), the Court finds
7 that the motion is premature. “The notice required by Rule 65(a) before a preliminary
8 injunction can issue implies a hearing in which the defendant is given a fair opportunity
9 to oppose the application and to prepare for such opposition.” Granny Goose Foods,
10 Inc., v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 432 n.7 (1974).
11 And, in the present case, Plaintiff has yet to serve a summons or complaint on any of the
12 Defendants. There is thus no reasonable way for the Court to contact the Defendants to
13 set up a briefing schedule or arrange a hearing.

14 Rather than leaving the matter languishing on the docket, the Court thinks it more
15 expedient to deny the motion at this time for lack of Rule 65(a) notice to the Defendants,
16 see id., without prejudice to his ability to bring it again at a reasonable time after he has
17 properly served each Defendant. This course of action will also allow Plaintiff to
18 address the looming Younger issue that doomed his prior action.

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20 DATED this 11th day of April, 2012.

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23 Robert S. Lasnik
24 United States District Judge
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